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5  
6 Attorneys for Complainant

7  
8 **BEFORE THE**  
9 **MEDICAL BOARD OF CALIFORNIA**  
10 **DIVISION OF MEDICAL QUALITY**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation )  
14 Against: )

NO. D-4504

15 JHONG DAE PARK, M.D., )  
16 43455 Sierra Vista )  
17 Lancaster, California 93836 )

L-54423

STIPULATION FOR VOLUNTARY  
SURRENDER OF LICENSE

18 Physician's and Surgeon's )  
19 Certificate No. C-38479, )

20 Respondent. )

21  
22 IT IS HEREBY STIPULATED AND AGREED BY AND BETWEEN THE  
23 PARTIES TO THE ABOVE-ENTITLED MATTER THAT:

24 1. Kenneth J. Wagstaff, complainant, is the Executive  
25 Director of the Medical Board of the State of California  
26 (hereinafter the "Board") and is represented by Daniel E.  
27 Lungren, Attorney General of the State of California, by Gloria  
A. Barrios, Deputy Attorney General.

2 2. Jhong Dae Park, M.D., (hereinafter "respondent"),  
3 is represented in this administrative disciplinary proceeding  
4 before the Board by David Kalifon, Esq. The respondent has

1 counseled with Mr. Kalifon concerning the effect of this  
2 stipulation which respondent has carefully read and fully  
3 understands.

4           3. At all times mentioned herein, respondent has been  
5 licensed by the Board as a physician and surgeon, certificate no.  
6 C-38479.

7           4. On or about April 24, 1991, complainant in his  
8 official capacity as Executive Director of the Board filed  
9 Accusation No. D-4504 against respondent. A true and correct  
10 copy of the Accusation is attached hereto as Attachment "A" and  
11 incorporated by reference as it fully sets forth.

12           5. Respondent was duly served with a copy of the  
13 Accusation, Statement to Respondent, Request for Discovery, Form  
14 Notice of Defense and copies of Government Code sections 11507.5,  
15 11507.6 and 11507.7 as required by section 11503 and 11505, and  
16 respondent filed a Notice of Defense within the time allowed by  
17 section 11506 of the code.

18           6. Respondent is fully aware of the charges and  
19 allegations contained in Accusation No. D-4504, from the  
20 pleadings and having been fully advised of same by his attorney  
21 of record, Mr. Kalifon. Respondent understands that the charges  
22 and allegations contained in the Accusation constitute cause for  
23 imposing discipline upon respondent's physician's and surgeon's  
24 certificate heretofore issued by the Board.

25           7. Respondent and his counsel are aware of each of  
26 respondent's rights, including the right to a hearing on the  
27 charges and allegations, the right to confront and cross-examine

1 witnesses who would testify against respondent, the right to  
2 present evidence in his favor and call witnesses on his behalf,  
3 or to testify himself, his right to contest the charges and  
4 allegations, and any other rights which may be accorded to  
5 respondent pursuant to the California Administrative Procedure  
6 Act (Gov. Code, § 11500 et seq.), his right to reconsideration,  
7 review by the superior court and to appeal to any other court.  
8 Respondent has been fully advised of his rights by his attorney  
9 of record, Mr. Kalifon.

10           8. Respondent, having the benefit of counsel, hereby  
11 freely, voluntarily and intelligently waives his rights to a  
12 hearing, reconsideration, appeal, and any and all other rights  
13 which may be accorded him pursuant to the Administrative  
14 Procedure Act and California Code of Civil Procedure with regard  
15 to Accusation No. D-4504.

16           9. Respondent understands that by signing this  
17 stipulation, rather than contesting the charges and allegations  
18 contained in Accusation No. D-4504, he is enabling the Board to  
19 issue its order accepting the voluntary surrender of his  
20 physician's and surgeon's certificate without any further  
21 opportunity to be heard or formal proceeding.

22           10. Respondent hereby voluntarily surrenders his  
23 physician's and surgeon's certificate No. C-38479 to the Board  
24 for its formal acceptance.

25           11. The Board does acknowledge that the voluntary  
26 surrender is based on a physical impairment (neurological).  
27 Respondent voluntarily refrained from practicing since late 1990,

1 prior to the filing of the accusation. The Board agrees to  
2 report to any entity that respondent's voluntary surrender of his  
3 license was due to physical impairment (neurological).

4 12. Upon acceptance of the stipulation by the Board,  
5 respondent agrees to surrender and cause to be delivered to the  
6 Board all evidence of licensure and his right to prescribe.

7 13. Respondent fully understands that when the Board  
8 accepts the voluntary surrender of his physician's and surgeon's  
9 certificate No. C-38479, he will no longer be permitted to  
10 practice medicine in the State of California.

11 14. In consideration of the foregoing stipulations,  
12 admissions and recitals, the Board, upon formal acceptance of  
13 respondent's formal surrender herein, agrees to dismiss, without  
14 prejudice, Accusation No. D-4504, currently pending against  
15 respondent.

16 15. Respondent fully understands that should he ever  
17 petition for reinstatement, reapply for a physician's and  
18 surgeon's certificate, or apply for any other related license in  
19 the State of California, all of the charges and allegations  
20 contained in Accusation No. D-4504 shall be deemed admitted by  
21 respondent as true and correct for the purpose of any Statement  
22 of Issues or any other proceeding seeking to deny such  
23 reapplication by respondent.

24 16. Respondent has been expressly advised that upon  
25 the voluntary surrender for his physician's and surgeon's  
26 certificate to the Division of Medical Quality, respondent would  
27 hold none of the rights and privileges associated with the

1 licensed practice of medicine in the state of California.  
2 However, pursuant to this stipulation, respondent will be  
3 eligible to petition the Division for reinstatement as a licensed  
4 physician and surgeon no earlier than one year from the effective  
5 date of the accompanying order, and on a yearly basis thereafter,  
6 respondent is not eligible for reinstatement except upon a  
7 showing to the satisfaction to the Division that respondent is no  
8 longer impaired to such an extent as to be unable to practice  
9 medicine safely and with due regard for the public. Respondent  
10 shall demonstrate physical and mental fitness which may include  
11 but not be limited to neurological examinations, medical  
12 examinations, MRI Imaging studies, intelligence tests and  
13 competency examinations or any other proof regarding respondent's  
14 competency to practice medicine. Respondent hereby voluntarily  
15 waives any and all privileges as to his medical and psychiatric  
16 records in any proceeding regarding his competency to practice  
17 medicine. Respondent also hereby voluntarily agrees to take any  
18 physical, medical, psychological and competency examination the  
19 Board may require in regard to respondent's petition for  
20 reinstatement or reapplication to the Board.

21 17. Respondent fully understands that should he ever  
22 petition for reinstatement, reapply for a physician's and  
23 surgeon's certificate, or apply for any other related license, in  
24 the State of California, the Board may use the results of any  
25 test that has been administered regarding respondent's competency  
26 to practice medicine for the purpose of any Statement of Issues

27 /

1 or any other proceeding seeking to deny such reapplication by  
2 respondent.

3 18. This stipulation for voluntary surrender of  
4 respondent's physician's and surgeon's certificate license is  
5 intended to be an integrated writing memorializing the complete  
6 agreement of the parties herein.

7 19. In the event the stipulation is rejected, for any  
8 reason, by the Board, it will be of no force or effect for either  
9 party.

10

11 I concur in the stipulation and order.

12 DATED: Nov. 25, 1991

13 DANIEL E. LUNGREN, Attorney General  
14 of the State of California

15

16 Gloria A. Barrios  
17 Gloria A. Barrios  
18 Deputy Attorney General

17

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19

20 I, Jhong Dae Park, M.D., have read the foregoing  
21 stipulation and order, and I have discussed the terms of that  
22 stipulation and its effect upon my license with my attorney. I  
23 understand and acknowledge that in signing the stipulation, I am  
24 waiving and giving up my right to an administrative hearing on  
25 the charges and allegations in the Accusation which is currently  
26 pending and agree to be bound by the terms and conditions of the  
27 stipulation and order.

1 I understand and acknowledge that by the terms of the  
2 stipulation, not later than thirty (30) days after the acceptance  
3 of this stipulation by the Division of Medical Quality, I am  
4 required to surrender my physician's and surgeon's certificate as  
5 well as other evidence of licensure, to the issuing agencies.

6 I further understand that in surrendering my license, I  
7 will lose all rights and privileges associated with being a  
8 licensed physician and surgeon in the State of California, except  
9 that I will retain the right to petition to the Division for  
10 reinstatement. I, understand that, in order to regain my license  
11 as a physician and surgeon, I must establish to the Division's  
12 satisfaction that I am able to practice medicine safely and with  
13 due regard to the public. I further understand that the Board  
14 may use the result of any medical, psychological and/or  
15 competency test against me in the event that I petition for the  
16 Division for reinstatement. I further understand that I will  
17 bear the burden of proof on this issue in all subsequent  
18 proceedings before the Division.

19 DATED: 12-2-1991

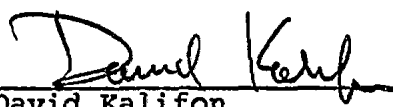
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21   
22 Jhong Dae Park, M.D.,  
Respondent

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1 I have read and reviewed the foregoing stipulation and  
2 order and have discussed it with my client, his wife and his  
3 daughter, Lena.

4 DATED 12/2/21

5 Hirschtick, Chenen, Lemon, Cohen &  
6 Linden

7   
8 By David Kalifon  
9 Attorneys for Respondent

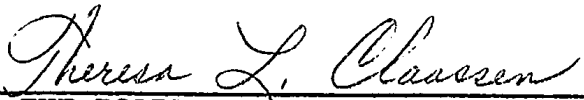
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DECISION AND ORDER OF THE BOARD

The voluntary surrender of physician's and surgeon's license No. C-38479 by respondent Jhong Dae Park, M.D., is accepted by the Medical Board of California Division of Medical Quality. Accusation No. D-4504 is dismissed without prejudice. An effective date of Feb. 22, 1992, has been assigned to this Decision and Order.

Made this 23rd day of January, 1992.

  
\_\_\_\_\_  
FOR THE BOARD  
THERESA L. CLAASSEN  
Secretary/Treasurer

1 DANIEL E. LUNGREN, Attorney General  
of the State of California  
2 Gloria A. Barrios,  
Deputy Attorney General  
3 California Department of Justice  
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5  
6 Attorneys for Complainant

7 **BEFORE THE**  
8 **MEDICAL BOARD OF CALIFORNIA**  
9 **DIVISION OF MEDICAL QUALITY**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation ) NO. D-4504  
Against: )  
12 )  
13 JHONG DAE PARK, M.D., ) A C C U S A T I O N  
43455 Sierra Vista Drive )  
Lancaster, California 93534 )  
14 )  
Physician's and Surgeon's )  
15 Certificate No. C38479, )  
16 Respondent. )

17  
18 The Complainant alleges:

19 PARTIES

20 1. Complainant, Kenneth J. Wagstaff, is the Executive  
21 Director of the Medical Board of the State of California  
22 (hereinafter the "Board") and brings this accusation solely in  
23 his official capacity.

24 2. On or about January 29, 1979, Physician's and  
25 Surgeon's Certificate No. C38479 was issued by the Board to Jhong  
26 Dae Park, M.D., (hereinafter "respondent"), and at all times  
27 relevant herein to the charges herein brought, said license has

1 been in full force and effect.

2 JURISDICTION

3 3. This accusation is brought under the authority of  
4 the following sections of the California Business and Professions  
5 Code (hereinafter "Code"):

6 4. Section 822 of the Code provides that if the  
7 Division of Medical Quality (hereinafter the "Division")  
8 determines that its licentiate's ability to practice his  
9 profession safely is impaired because the licentiate is mentally  
10 ill, or physically ill affecting competency, the Division may  
11 take any action by any one of the following methods:

12 (a) Revoking the licentiate's certificate or license.

13 (b) Suspending the licentiate's right to practice.

14 (c) Placing the licentiate on probation.

15 (d) Taking such action in relation to the licentiate as the  
16 licensing agency in its discretion deems proper.

17 The Division shall not reinstate a revoked or suspended  
18 certificate or license until it has received competent evidence  
19 of the absence or control of the condition which caused its  
20 action and until it is satisfied that with due regard for the  
21 public health and safety the person's right to practice his  
22 profession may be safely reinstated.

23 5. Section 2004 of the Code provides that there is a  
24 Division within the Board that is charged with the responsibility  
25 of the administration and hearing of disciplinary actions.

26 6. Section 2227 of the Code provides that the Board  
27 may revoke, suspend for a period not to exceed one year, or place

1 on probation, the license of any licensee who has been found  
2 guilty under the Medical Practice Act.

3 7. Section 2234 of the Code provides that the  
4 Division may take disciplinary action against any licensee who  
5 engages in unprofessional conduct.

6 8. Section 2234 of the Code provides that  
7 unprofessional conduct includes, but is not limited to, the  
8 following:

9 (d) Incompetence.

10 FIRST CAUSE OF ACTION

11 9. Respondent Jhong Dae Park, M.D., is subject to  
12 disciplinary action under Section 822 of the Code in that he is  
13 physically ill to such an extent as to affect his ability to  
14 conduct with safety to the public the practice authorized by his  
15 physician's and surgeon's certificate. The circumstances are as  
16 follows:

17 A. On or about May 12, 1990, respondent, an  
18 obstetrician/gynecologist, was incoherent when questioned  
19 regarding a patient's medication at Antelope Valley Hospital  
20 Medical Center (hereinafter "hospital").

21 B. On or about May 13, 1990, respondent was  
22 incoherent when questioned about a patient at the hospital.

23 C. On or about May 13, 1990, respondent did not  
24 respond to a hospital page while on duty at the hospital to  
25 deliver a baby. Other medical personnel had to deliver the  
26 baby.

27 D. On or about May 25, 1990, respondent slow to

1 respond to questions regarding a patient. His appearance  
2 was disshelved.

3 E. On or about June 23, 1990, respondent performed  
4 a cesarean section. He appeared lost.

5 F. On or about June 26, 1990, respondent  
6 performed surgery. He repaired a uterus. He was slow  
7 to respond to questions and instructions during surgery. He  
8 began to close without closing the uterus first. He  
9 repeatedly had to be told by the assistant surgeon to close  
10 the uterus first before closing.

11 G. On or about July 5, 1990, respondent is examined  
12 by a neurologist, Yuen Lee, M.D.

13 H. Following this examination, Dr. Lee concluded that  
14 respondent has an organic dementia disease which is caused  
15 by adult diabetes, multi-focal dementia and probable normal  
16 pressure hydrocephalus. Dr. Lee found that respondent's IQ  
17 is 70.

18 ✓ I. Dr. Lee recommended that respondent not practice  
19 medicine.

20 J. On or about July 17, 1990, respondent was examined  
21 by a neurologist, Clarke David Espy, M.D.

22 K. Following this examination, Dr. Espy concluded  
23 that respondent had multi-infarct dementia as a result of  
24 his diabetes and hypertension. Dr. Espy found that  
25 respondent's condition was irreversible.

26 L. Dr. Espy recommended that respondent retire.

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SECOND CAUSE OF ACTION

10. Respondent Jhong Dae Park, M.D., is subject to disciplinary action under Section 2234 of the Code in that he engaged in unprofessional conduct. The circumstances are as follows:

A. Complainant hereby incorporates paragraph 9, subdivisions A through L.

THIRD CAUSE OF ACTION

11. Respondent Jhong Dae Park, M.D., is subject to disciplinary action under Section 2234 (d) of the Code in that he was incompetent. The circumstances are as follows:

A. Complainant hereby incorporates paragraph 9, subdivisions A through L.

PRAYER

WHEREFORE, the complainant requests that a hearing be held on the matters herein alleged, and that following said hearing, the Board issue a decision:

1. Revoking or suspending Physician's and Surgeon's Certificate Number C38479, heretofore issued to respondent Jhong Dae Park, M.D.;

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1                   2.    Taking such other and further action as the Board  
2   deems proper.

3                   DATED:   April 24, 1991 .

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6                     
7                   Kenneth J. Wagstaff  
8                   Executive Director

9                   DEPARTMENT OF CONSUMER AFFAIRS  
10                  State of California

11                  Complainant  
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